

ORDER NO. 2420

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Robert G. Taub, Acting Chairman;
Tony Hammond, Vice Chairman;
Mark Acton;
Ruth Y. Goldway; and
Nanci E. Langley

Competitive Product Prices
Parcel Select Contract 6 (MC2013-13)
Negotiated Service Agreement

Docket No. CP2013-13

ORDER APPROVING AMENDMENT TO
PARCEL SELECT CONTRACT 6 NEGOTIATED SERVICE AGREEMENT

(Issued March 31, 2015)

I. INTRODUCTION

The Postal Service seeks to amend a Parcel Select negotiated service agreement.¹ For the reasons discussed below, the Commission approves the Amendment.

¹ Notice of United States Postal Service of Second Amendment to Parcel Select Contract 6, with Portions Filed Under Seal, March 20, 2015 (Notice). The Amendment is an attachment to the Notice (Amendment).

In Order No. 1538, the Commission approved the Parcel Select Contract 6 negotiated service agreement (Existing Agreement).² On March 20, 2015, the Postal Service filed notice that it has agreed to the Amendment to the Existing Agreement. On March 23, 2015, the Commission issued an order reopening this docket to consider the Amendment, appointing a Public Representative, and providing interested persons with an opportunity to comment.³

The Postal Service states that the prices and terms of the contract have changed as contemplated by the terms of the Existing Agreement. Notice at 1. It asserts that the Amendment will not materially affect the cost coverage. *Id.* The Postal Service intends for the Amendment to become effective one business day after the date that the Commission completes its review of the Notice. *Id.*

II. COMMENTS

Comments were filed by the Public Representative.⁴ No other person submitted comments. The Public Representative reviewed the Amendment, the Existing Agreement, and the supporting financial worksheet filed under seal. PR Comments at 2. Based on that review, he concludes that the Existing Agreement, as amended, will not materially affect compliance with 39 U.S.C. § 3633(a). *Id.*

III. COMMISSION ANALYSIS

The Commission has reviewed the Notice, the accompanying materials filed under seal, and the comments filed by the Public Representative.

² See Docket Nos. MC2013-13 and CP2013-13, Order Adding Parcel Select Contract 6 to the Competitive Product List, November 8, 2012 (Order No. 1538). The contract was later amended. See Docket Nos. MC2013-13 and CP2013-13, Order No. 1930, Order Approving Amendment to Parcel Select Contract 6 Negotiated Service Amendment, December 27, 2013.

³ Order No. 2407, Notice and Order Concerning Amendment to Parcel Select Contract 6 Negotiated Service Agreement, March 23, 2015.

⁴ Public Representative Comments on Postal Service Amendment to Parcel Select Contract 6, March 27, 2015 (PR Comments).

Cost considerations. The Commission reviews competitive product prices to ensure that each product covers its attributable costs, does not cause market dominant products to subsidize competitive products, and contributes to the Postal Service's institutional costs. 39 U.S.C. § 3633(a); 39 C.F.R. §§ 3015.5 and 3015.7. As long as the revenue generated by the product exceeds its attributable costs, the product is unlikely to reduce the contribution of competitive products as a whole or to adversely affect the ability of competitive products as a whole to contribute an appropriate share of institutional costs. In other words, if a product covers its attributable costs, it is likely to comply with 39 U.S.C. § 3633(a).

The Amendment modifies the price tables and calculations, describes other available services, and extends, by 2 years, the contract's termination date.

Based on a review of the record, the Commission finds that the Existing Agreement, as amended, should cover its attributable costs. 39 U.S.C. § 3633(a)(2). For this reason, it finds that the Existing Agreement, as amended, should not result in competitive products as a whole being subsidized by market dominant products, in accordance with 39 U.S.C. § 3633(a)(1). Similarly, it finds the amended agreement is unlikely to prevent competitive products as a whole from contributing an appropriate share of institutional costs, consistent with 39 U.S.C. § 3633(a)(3). *See also* 39 C.F.R. § 3015.7(c). Accordingly, a preliminary review of the Amendment indicates it is consistent with section 3633(a). The annual rate adjustment provision in section I.F. of the amended agreement should allow the amended agreement's revenues to cover costs for the duration of its term. The Commission will continue to review the cost coverage of the amended agreement in its Annual Compliance Determination to ensure that rates cover costs.

Other considerations. The Postal Service states that the Amendment shall become effective on the day after the date that the Commission completes its review. The Existing Agreement, as amended, is set to expire 5 years after the initial effective

date unless, among other things, either party terminates the contract with 30 days' written notice to the other party or it is renewed by mutual agreement.⁵

If the Existing Agreement, as amended, is terminated prior to the scheduled expiration date, the Postal Service shall promptly notify the Commission.

Within 30 days of the termination of the Existing Agreement, as amended, the Postal Service shall file the annual (contract year) costs, volumes, and revenues disaggregated by rate category and weight associated with the amended agreement.

In conclusion, the Commission approves the Existing Agreement, as amended.

IV. ORDERING PARAGRAPHS

It is ordered:

1. The Commission approves the Parcel Select Contract 6 negotiated service agreement, as amended.
2. The Postal Service shall notify the Commission of the contract's amended termination date.
3. The Postal Service shall notify the Commission if the Existing Agreement, as amended, terminates prior to the scheduled expiration date.

⁵ Amendment at 3. Should both parties agree to renew the agreement, any such renewal is required to follow the requirements of 39 U.S.C. § 3633 and the Commission's implementing regulations of 39 C.F.R. part 3015.

4. Within 30 days after the Existing Agreement, as amended, terminates, the Postal Service shall file the annual (contract year) costs, volumes, and revenues disaggregated by rate category and weight associated with the contract.

By the Commission.

Shoshana M. Grove
Secretary